**THE HON'BLE MS JUSTICE G.ROHINI**

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**WRIT PETITION NO : 1157 of 2005**

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**Dated:21.09.2005**

Between:

R.Kumaraswamy Naidu, S/o.Narasimha Naidu,
R/o.Thuvankapally Village, Thummalakuntalapalli Post OD.Cheruvu

Mandal, Anantapur District.

**..... PETITIONER**

AND

The Station House Officer O.D.Cheruvu PS
O.D.Cheruvu, Anantapur District, and others.

**.....RESPONDENTS**

**ORDER:**

Heard the learned counsel for the petitioner and the learned Government Pleader for Home appearing for the respondents.

It is not in dispute that one SBBL gun possessed by the writ petitioner was deposited in the first respondent Police Station on 25.07.1994, and the same was handed over to the District Armed Reserve at Anantapur, and since then, it is in their custody.

It appears that in the meanwhile, on a request made by the petitioner his gun licence has been renewed for a period of three years upto 31.12.2005. However, the grievance of the petitioner is that in spite of the fact that he made several representations requesting return of the weapon, the respondents failed to consider the same. Hence, the writ petition.

On behalf of the respondents, the Sub Inspector of Police, O.D.Cheruvu Police Station, filed a counter affidavit stating that the competent authority for

release of the weapon is only the Superintendent of Police, Anantapur, and that he has already submitted his remarks so far as the weapon possessed by the writ petitioner is concerned.

The learned Government Pleader across the bar submits that since the Superintendent of Police is the competent authority, he may be directed to consider the request of the petitioner in the light of the report submitted by the Sub Inspector of Police, O.D.Cheruvu Police Station.

In the circumstances, without entering into the merits of the case, the writ petition is disposed of with a direction to the Superintendent of Police, Anantapur, to consider the request of the petitioner for return of his weapon, bearing Licence No.78-6/Ki, in the light of the remarks said to have been submitted by the Sub Inspector of Police, O.D.Cheruvu Police Station, and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period six weeks from the date of receipt of a copy of this order. No costs.

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(G.ROHINI, J)

21.09.2005

Note: Communicate a copy of this order

to the Superintendent of Police, Anantapur.

B/o.

vs